

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

JACQUELINE MOORE AND  
RODNEY MOORE

VS.

EDWARD BROWN AND 933796  
ONTARIO INC. DBA CARMEN  
TRANSPORT

§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. \_\_\_\_\_

---

NOTICE OF REMOVAL

---

Defendants EDWARD BROWN and 933796 ONTARIO INC. DBA CARMEN TRANSPORT ("Defendants") files this Notice of Removal of the above-styled action pursuant to 28 U.S.C. § 1446(a) and would respectfully represent and show unto this Court the following:

A. INTRODUCTION

1. On or about March 23, 2021, JACQUELINE MOORE and RODNEY MOORE ("Plaintiffs") initiated the state court lawsuit against EDWARD BROWN and 933796 ONTARIO, INC. D/B/A CARMEN TRANSPORT, ("Defendants") in the District Court of Dallas County, Texas, styled *Jacqueline Moore and Rodney Moore vs. Edward Brown and 933796 Ontario Inc. dba Carmen Transport*, pending as Cause No. DC-21-03700 ("the state court action"). In the state court action, Plaintiffs seek damages for injuries they contend they received in a motor vehicle accident with Defendants. See *Plaintiffs' Original Petition*, attached hereto as Exhibit "A." Plaintiffs contend that on or about February 23, 2021, they were sitting in a parked car in the City Warehouse parking lot in Dallas County, Texas when Defendant Brown caused his truck to collide with the vehicle Plaintiffs were occupying. Plaintiffs contend that the accident in question was caused by the negligence of Defendants. Plaintiffs contend that such negligent actions on the part of Defendants caused personal injuries to themselves in an amount over \$250,000 but not more than \$1,000,000.

3. Plaintiffs contend that they have suffered extensive injuries and damages and have incurred legal damages for the following elements:

- a. medical expenses in the past and future;
- b. lost wages in the past and loss of earning capacity in the future;
- c. property damage and loss of use of Plaintiffs' vehicle;
- d. physical pain and suffering in the past and future;
- e. mental anguish in the past and future; and
- f. physical impairment in the past and future.

4. Plaintiffs plead that Defendants are responsible for the accident due to their negligence.

5. Plaintiffs plead that Defendants' actions have caused them damages in an amount of not less than \$250,000.

6. The attorneys involved in the action being removed are listed as follows:

**PARTY AND PARTY TYPE**

Jacqueline Moore – Plaintiff  
Rodney Moore – Plaintiff

**Attorney(s)**

Victor Rodriguez – 24063577  
Shelly Greco – 24008168  
WITHERITE LAW GROUP, PLLC  
901 W. Vickory Boulevard, Suite 900  
Fort Worth, Texas 76104  
(817) 263-4466 – Phone  
(817) 263-4477 – Facsimile  
[victor.rodriquez@witheritelaw.com](mailto:victor.rodriquez@witheritelaw.com)  
[shelly.grecco@witheritelaw.com](mailto:shelly.grecco@witheritelaw.com)

Edward Brown – Defendant  
933796 Ontario Inc. dba Carmen  
Transport – Defendant

Jonathan L. Davenport – 24012502  
Jerry L. Ewing – 06755470  
WALTERS, BALIDO & CRAIN, LLP  
Meadow Park Tower, Suite 1500  
10440 N. Central Expressway  
Dallas, Texas 75231  
(214) 749-4805 – Phone  
(214) 760-1670 - Facsimile  
[jonathan.davenport@wbclawfirm.com](mailto:jonathan.davenport@wbclawfirm.com)  
[jerry.ewing@wbclawfirm.com](mailto:jerry.ewing@wbclawfirm.com)

7. The name and address of the court from which the case is being removed is as follows:

The Honorable Judge Aiesha Redmond  
160<sup>th</sup> Judicial District Court, Dallas County, Texas  
600 Commerce Street  
6<sup>th</sup> Floor, New Tower  
Dallas, Texas 75202  
(214) 653-7271

B. NOTICE OF REMOVAL TIMELY

8. Accordingly, pursuant to 28 U.S.C. § 1446(b)(1), this Notice of Removal is filed within thirty (30) days after Defendants received the initial pleading or summons. Consequently, this Notice of Removal is timely.

C. COMPLETE DIVERSITY

9. This case may be removed because there is complete diversity among the parties and the case involves an amount in controversy in excess of \$75,000.00. See 28 U.S.C. § 1332(a).

Plaintiffs are residents of the State of Texas. Defendant Brown is a resident of Canada. Defendant Brown is an individual resident of Canada living in Jacksons Point, Ontario, Canada. Defendant 933796 Ontario Inc. dba Carmen Transport is a foreign corporation organized and existing under the laws of Canada, whose principal office is located in Toronto, Ontario, Canada.

D. ALL PLEADINGS OF STATE COURT ACTION ATTACHED AS EXHIBITS

11. Copies of all pleadings, process, orders, and other filings in the state court action are attached to this notice as required by 28 U.S.C. § 1446(a). See *Exhibit "B"*.

E. BASIS FOR REMOVAL

12. Because this is a civil action of which the District Courts of the United States have original jurisdiction, this case may be removed by this Court pursuant to 28 U.S.C. § 1446(b). Further, Plaintiffs are a resident of the State of Texas, Defendant Brown is a resident of Jacksons Point, Ontario, Canada, and Defendant 933796 Ontario Inc. dba Carmen Transport is a foreign corporation whose principal office is located in Toronto, Ontario, Canada. Plaintiffs' Original Petition seeks damages in excess of \$250,000. See *Exhibit "A"* attached. Therefore, the Court

has subject matter jurisdiction based on diversity of residency. 28 U.S.C. § 1132. As such, this removal action is proper.

F. VENUE

13. Venue is proper in this District under 28 U.S.C. §1441(a) because this District and division embrace the place where the removed action has been pending.

G. FILING OF NOTICE WITH STATE COURT

14. Promptly after filing this Notice of Removal, Defendants will give written notice of the removal to Plaintiffs through their attorney of record and to the clerk of the state court.

PRAYER

15. **WHEREFORE, PREMISES CONSIDERED**, Defendants EDWARD BROWN and 933796 ONTARIO INC. DBA CARMEN TRANSPORT, request that this Court proceed with the handling of this cause as if it had been originally filed herein, that this Court make such orders, if any, and take such action, if any, as may be necessary in connection with the removal of the state court action to this Court, and that they have such other and further relief to which they may show himself entitled.

Respectfully submitted,

**WALTERS, BALIDO & CRAIN, L.L.P.**

By: /s/ Jonathan L. Davenport  
JONATHAN L. DAVENPORT – 24102502  
JERRY L. EWING – 06755470  
Meadow Park Tower, Suite 1500  
10440 North Central Expressway  
Dallas, Texas 75231  
(214) 749-4805 – Phone  
(214) 760-1670 – Facsimile  
[jonathan.davenport@wbclawfirm.com](mailto:jonathan.davenport@wbclawfirm.com)  
[jerry.ewing@wbclawfirm.com](mailto:jerry.ewing@wbclawfirm.com)

**CERTIFICATE OF SERVICE**

This is to certify that on this 8<sup>th</sup> day of April 2021 a true and correct copy of the foregoing was served upon all counsel of record in accordance with the FEDERAL RULES OF CIVIL PROCEDURE.

/s/ Jonathan L. Davenport  
JONATHAN L. DAVENPORT